

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH
SCHOOL DISTRICT,

OAH CASE NO. 2012050676

ANTELOPE VALLEY UNION HIGH
SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012090331

ORDER GRANTING MOTION TO
CONSOLIDATE

On May 16, 2010, Parents on Behalf of Student (Student) filed a Request for Due Process Hearing with the Office of Administrative Hearings (OAH), in OAH case number 2012050676 (First Case), naming the Antelope Valley Union High School District (District).

On September 12, 2012, District filed a Request for Due Process Hearing in OAH case number 2012090331 (Second Case), naming Student.

On October 1, 2012, Student and District filed a joint stipulation and Motion to Consolidate the First Case with the Second Case, and to continue the due process hearing dates set in the Second Case. Student and District have jointly requested that the consolidated matter be set for dates which were stipulated by the parties and ordered by OAH for the First Case, in OAH's Order Granting Request for Continuance and Setting PHC/HRG, dated September 12, 2012.

Consolidation

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative

proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, and involve the same witnesses. Specifically, each case presents a similar allegation pertaining to the appropriateness of a March 5, 2012 psycho-educational assessment conducted by the District. Therefore consolidation of these matters is proper.

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted. All dates are vacated for the Second case and will be set as the dates presently scheduled for the First Case.

ORDER

1. The party's joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012090331 are vacated.
3. The party's joint Motion to Continue is granted. Parties should not expect any further continuances. This matter will be set as follows:

Prehearing Conference: October 8, 2012, at 10:00 a.m.

Due Process Hearing: October 22 – 25, 2012, October 29 – 31, 2012, and November 1, 2012, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The first day of hearing shall begin at 1:30 p.m., and the remaining days shall begin at 9:30 a.m., unless otherwise ordered.

Dated: October 3, 2012

/s/

PAUL H. KAMOROFF

Administrative Law Judge

Office of Administrative Hearings